

IN SENATE OF THE UNITED STATES.

JANUARY 12, 1824.

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MR. JACKSON, from the Military Committee, to whom was referred the petition of Thomas Williamson and others, officers engaged in the campaign against the Seminole Indians, in the winter of 1818, made the following

REPORT:

That they have examined the act of the 4th of May, 1822, passed for the relief of the officers and soldiers engaged on the Seminole campaign, and the opinion of the Attorney General in relation to that act, and believe that a construction of it has obtained, different from what was intended by Congress when it was passed.

The officers and volunteers engaged in that service had, unaided by the Government, and at their own expense, provided themselves with horses, and the necessary equipage for a winter campaign. In this state of things, the Government were under obligations to remunerate them for any loss they sustained, inasmuch as the act of the 20th of April, 1818, (vol. 6, p. 338,) provided that they should receive the highest compensation that had been given to the militia during the late war with Great Britain. This act secured to them certain rights, and it was fair to infer, that, as such troops, during the war, had been paid for property lost by them in service, the act extending the highest compensation that had previously been given, designed to pay for losses as similar troops had been paid. But there was an additional and stronger argument in favor of the principle, from the circumstance that the Government were under obligations to furnish them with forage: this they did not do, and this it was which contributed to the extensive loss of horses which was met by those engaged in the campaign. True, the Government were unable to furnish supplies, and did all they could to effect that object, but failed. It is not conceived that this can vary the obligation, on the part of the United States, to remunerate for such losses: for, if the United States were under obligations to supply forage, whatever losses arose for the want of it, should be met, unquestionably, by the Government, rather than by the officer or soldier—who is little able to bear it, and who, confiding in his Government, was in no fault on account of its omissions. These were the constructions which, doubtless, influenced Congress in passing the act of the 4th of May, 1822, the design of which, though liberal, has been in a great measure withheld.

The act of 1818 (vol. 6, p. 338,) evidently intended that the compensation given to these troops, should be in all respects equal to what had been given to similar troops during the war with Great Britain; but an act passed on the same day, to wit, on the 20th April, 1818, which proceeds more definitely, and declares that every officer, non-commissioned officer, or private, who served in any volunteer corps of cavalry during the late war, and furnished his own horse, or horses, shall be allowed at the rate of forty cents a day for each horse so furnished, and which such officer was entitled by law to keep in such service. The law further provides, too, that, when any officer, non-commissioned officer, or private, in the cavalry service aforesaid, having lost the horse or horses, which may have been taken by him into the service, and having received from the United States another horse or horses, in lieu, or in part payment for the horse so previously lost as aforesaid, such officer shall be entitled to receive the allowance of forty cents a day for the use and risk of the horse on which he may have been so mounted. Independent, however, of the provisions of this act, this compensation of forty cents a day for the use and risk of horses, arms, and accoutrements, furnished by the soldier, had been previously extended by the act of the 2d of January, 1795, (vol. 2, p. 458.) Of course, being part of the compensation granted to the soldiers of the late war against Great Britain, it was due, under the provisions of the act of the 20th of April, 1818, to those who were engaged in the Seminole war, unless the term *militia*, employed in this act, can be made to assume a meaning different from the term cavalry, which it is not expected can be maintained; especially, when taken in conjunction with the words immediately preceding, and with the title of the act. These were mounted men; the particular service on which they were employed required that they should be such; all the advantages and disadvantages, therefore, that would attach to cavalry, would equally attach to them, and entitled them to similar compensation and advantages, whether the spirit or letter of the act be considered.

The soldier, too, who, furnishing his own horse, gets him killed in battle, ought to have a claim for remuneration from the loss on his Government; but still stronger should be his claim, when, relying on his Government for means of sustenance, the means either partially, or wholly fails, and the loss and injury in consequence ensues.

Such was the condition of things on the Seminole campaign; a condition which, it is believed, fairly establishes a claim for remuneration on the equity and justice of the Government; to extend it, both to the officers and soldiers, can be of but little importance, as it regards the event to the country; while, to withhold it, might have a tendency to droop the ardour of our yeomanry at those times when their services and exertions for the country might be most required.